

**Notice of Allowability**

Application No.

09/766,412

Applicant(s)

GE ET AL.

Examiner

Art Unit

Abdel A. Mohamed

1654

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment and remarks of 06/08/07 and telephonic interview of 08/15/07.
2. ☒ The allowed claim(s) is/are 1,2,6-8,10,13-16,19,20,25-27 and 29-32.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                                |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance                        |
|  | 9. <input type="checkbox"/> Other _____  |

## **DETAILED ACTION**

### **ACKNOWLEDGMENT OF AMENDMENT, REMARKS AND STATUS OF THE CLAIMS**

1. The amendment and remarks filed 06/08/07 are acknowledged, entered and considered. In view of Applicant's request claim 10 has been amended. Claims 1, 2, 6-8, 10, 13-16, 19, 20, 25-27 and 29-32 are now pending in the application of which claims 30-32 were previously are withdrawn as non-elected invention, but now are rejoined, and as such the restriction requirement has been withdrawn. The rejections under 35 U.S.C. 102(b) and 35 U.S.C. 102(a) over the prior art of record are withdrawn in view of Applicant's amendment and remarks filed 06/08/07.

### **EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

3. Authorization for this examiner's amendment was given in a telephone interview with Mark J. Nuell on 08/15/07.

4. This application has been amended as follows:

Replace the claims as follows:

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Claim 10 (currently amended) A peptide ~~having~~ consisting of an amino acid sequence selected from the group consisting of SEQ ID NO:30, SEQ ID NO:31, and SEQ ID NO:32.

Claim 25 (currently amended) The peptide of claim 10, ~~comprising that is~~ the peptide ~~having~~ consisting of the amino acid sequence of SEQ ID NO:30.

Claim 30 (withdrawn-currently amended) The peptide ~~having~~ consisting of the amino acid sequence of SEQ ID NO:29.

Claim 31 (withdrawn-currently amended) The peptide of claim 10, ~~comprising that is~~ the peptide ~~having~~ consisting of the amino acid sequence of SEQ ID NO:31.

Claim 32 (withdrawn-currently amended) The peptide of claim 10, ~~comprising that is~~ the peptide ~~having~~ consisting of the amino acid sequence of SEQ ID NO:32.

#### CONCLUSION AND FUTURE CORRESPONDANCE

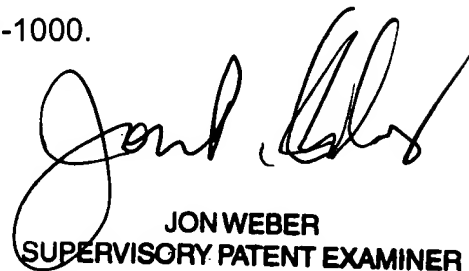
5. Claims 1, 2, 6-8, 10, 13-16, 19, 20, 25-27 and 29-32 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdel A. Mohamed whose telephone number is (571) 272 0955. The examiner can normally be reached on First Friday off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tsang Cecilia can be reached on (571) 272 0562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**JON WEBER**  
**SUPERVISORY PATENT EXAMINER**

*AM* Mohamed/AAM  
August 16, 2007